

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 3:06cr266-WKW
)	
PAUL EUGENE WEBSTER)	

MOTION TO UNSEAL TRANSCRIPT

COMES NOW the Defendant, Paul Eugene Webster, by and through undersigned counsel, Jennifer A. Hart, and respectfully requests the Court to unseal the transcript of the trial in this case. As grounds for granting this Motion, Defendant would show the following:

1. On June 8, 2007, trial began in the case of *United States v. Paul Eugene Webster*, Case No. 3:06cr266- WKW. Mr. Webster was charged with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).
2. Prior to opening statements, the Court conducted a hearing on two theories of defense which Mr. Webster wished to assert at trial: (1) a justification defense, and (2) an innocent or transitory possession defense.
3. During this pretrial motions hearing, the Government was excused from the courtroom and Mr. Webster was allowed to proffer the evidence he believed he could present at trial in support of each of these theories of defense.
4. Following the proffer by the Defense, the Court ruled that the Defense had not made an adequate showing to support a justification defense, but reserved ruling on the issue of the applicability of the innocent/transitory possession defense.

5. The Government then re-entered the courtroom, was advised it need not address the justification defense issue because it had already been decided, and then presented argument on why the innocent possession defense was likewise unavailable. Ultimately, the Court sided with the Government and prohibited Mr. Webster from asserting either defense.

6. On June 9, 2007, a jury found Mr. Webster guilty of the one-count Indictment. The jury had not been instructed on either theory of defense.

7. Mr. Webster then requested that he be permitted to file post-trial motions 7 days after the transcripts in the case were filed by the court reporter. Without objection from the Government, the Court granted the motion.

8. The transcripts of the trial and the hearing on pretrial matters have both be filed by the court reporter. However, by Order of this Court, the portion of the transcript which contains Mr. Webster's proffer on his theory of defense, was placed under seal.

9. Mr. Webster intends to assert in his post-trial motions that the Court erred in denying him the opportunity to introduce evidence on his theories of defense, particularly in light of the fact that, as the Defense asserts, the Government "opened the door" to the introduction of such evidence.

10. In order to adequately address these issues in post-trial motions, Mr. Webster will need to cite to portions of the transcript which are currently filed under seal. Likewise, of course, the Government will need to reference that portion of the transcript to respond to Mr. Webster.

11. Because the trial is over, there no longer exists the need to keep this portion of the trial transcript sealed.

12. Additionally, should this case be appealed, those transcripts would be a necessary part of the Record on Appeal.

WHEREFORE, for the foregoing reasons, Paul Eugene Webster respectfully requests that the sealed portion of the trial transcript in this case be unsealed so that the parties can adequately address post-trial issues.

Dated this 15th day of March 2007.

Respectfully submitted,

s/Jennifer A. Hart

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick
Assistant United States Attorney

Respectfully submitted,

s/Jennifer A. Hart

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